

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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December 13, 2013

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler:

We write for information regarding the Federal Communications Commission's (FCC) role in the review of federal agency actions that may impact critical telecommunications infrastructure. This letter is by way of follow-up to an issue raised in a March 21, 2013, letter to the FCC and the Federal Energy Regulatory Commission (FERC) from the Energy and Commerce Subcommittee on Energy and Power Chairman Ed Whitfield and Subcommittee on Communications and Technology Chairman Greg Walden.

In that letter, the Chairmen wrote concerning an application currently pending before FERC to site a pilot tidal energy project in Admiralty Inlet, Washington, proximate to an active transpacific fiber optic cable. The Admiralty Inlet Pilot Tidal Project (Project) application, filed by the Snohomish County Public Utility District No. 1 (District), appeared to present an issue of first impression regarding the appropriate separation distance between international submarine cables and tidal energy projects being permitted by FERC. Initially, in comments filed with the FERC on May 23, 2012, regarding the Admiralty Inlet Project, the Public Safety and Homeland Security Bureau of the FCC recommended that there be 500 meters of separation between the Project and the cable. Four months later, after reviewing additional filings by the Project, FCC stated that it did "not oppose[] licensing of the Project at a distance of 170 and 249 meters now proposed by the District"

The FCC's review and consideration of the potential risks posed by the proposed project raised questions about how FCC will ensure security of existing submarine cables while FERC or other entities authorize marine energy projects. We understand that FCC has rechartered its Communications Security, Reliability, and Interoperability Council (CSRIC), and asked the FERC to designate a representative to the CSRIC "to participate in discussion of separation

distances”¹ between hydrokinetic energy projects and undersea communications cables. In light of the recent FCC review of the Admiralty Inlet Project, and this ongoing advisory panel work, we write to ask that you provide a briefing to Committee staff that includes the following:

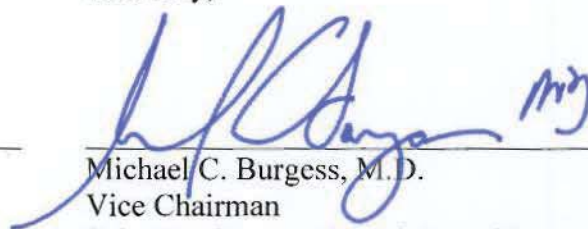
- The internal process FCC followed to review the Project application and how that process comports with FCC practices for the review of federal agency actions that impact FCC jurisdiction;
- The process, role, and timing for CSRIC advice and whether or how this advice will be incorporated into future FCC reviews;
- FCC internal plans relating to oversight of critical telecommunications infrastructure.

If you have any additional questions, and to arrange the briefing, please contact Peter Spencer with the Majority Committee staff at (202) 225-2927.

Sincerely,



Tim Murphy
Chairman
Subcommittee on Oversight and
Investigations



Michael C. Burgess, M.D.
Vice Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

¹ Federal Energy Regulatory Commission, *Final Environmental Assessment for Hydropower License, Admiralty Inlet Pilot Tidal Project – FERC Project No. 12690-005* (DOE/EA-1949), August 9, 2013, at B-8